



California Regional Water Quality Control Board

San Diego Region

File



Linda Adams
Secretary for
Environmental
Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

Arnold Schwarzenegger
Governor

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(858) 467-2952 • Fax (858) 571-6972
[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

May 21, 2007

In reply refer to:

NWU:18-2006021.02:jhaas

CIWQS Msr: 324957

CIWQS Place ID: 650347

Nardy Drew
Chief of Regulatory Permits
Resources and Development Management
County of Orange
P.O. Box 4048
Santa Ana, CA 92702-4048

Dear Ms. Drew:

Poche Beach Urban Runoff Ultraviolet Treatment System (Clean Water Act Section 401 Water Quality Certification No. 06C-021)

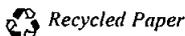
Enclosed is a Clean Water Act Section 401 Water Quality Certification (Certification) from the California Regional Water Quality Control Board, San Diego Region (Regional Board), for the Prima Deshecha Outlet and Poche Beach Structural Best Management Practice Treatment System Project (Project). The Certification includes conditions under which the project will be expected to comply with water quality standards. Failure to comply with the conditions of the Certification is subject to enforcement by the Regional Board, including the administration of civil liability either under California Water Code section 13385(a)(2) or section 13350(a)(2).

This Certification requires the County of Orange to obtain a National Pollutant Discharge Elimination System (NPDES) Permit for the discharge of the treated effluent to waters of the U.S.

Project Description

This project is intended to prevent urban runoff that has already been discharged into the Prima Deshecha channel from causing conditions of pollution at the surfzone of Poche Beach. The proposed treatment process is directed at fecal indicator bacteria, with incidental reductions of other pollutants. The project as proposed and revised will capture up to 800 gallons per minute of dry-weather urban runoff from the Prima Deshecha channel from an area at Poche Beach between Coast Highway and the railroad bridge. That water will be pumped to a treatment facility located adjacent to the channel, where it will be processed through media filters and ultraviolet disinfection. Up to ten percent of the treated effluent would be discharged to the sanitary sewer as filter backwash. The rest of the treated effluent would be discharged to receiving waters.

California Environmental Protection Agency



The Municipal Storm Water Permit Regulates Discharges into and from the Municipal Storm Sewer System

The Regional Board no longer considers it appropriate to continue an interim approach of using the Municipal Storm Water Permit for regulating discharges from treatment facilities that extract water that has already been discharged to a water of the U.S. Discharges of urban runoff from the municipal storm drain system into the Prima Deshecha channel are subject to requirements established in the Regional Board Order No. R9-2002-01 (the Municipal Storm Water Permit.)¹ Discharges from facilities that extract and process water must meet water quality standards, including numeric water quality objectives for applicable beneficial uses in the receiving waters. As proposed, the discharge from the Poche Beach treatment facility may not meet numeric standards for a suite of metals and may contain toxic substances in concentrations that are toxic.²

In July 2002, the County proposed a similar project. At that time, the proposed point of discharge was to be near the extraction point, rather than the ocean. The Regional Board then issued an investigative order to the County of Orange and City of San Clemente to identify sources of bacteria in the watershed and implement best management practices to reduce those sources from entering the storm drain system.³ In that July 2002 letter, the Regional Board also outlined a temporary approach to permitting discharges from an end-of-stream disinfection facility.⁴

The County has produced two subsequent reports regarding the sources and fate of bacteria in the Prima Deshecha watershed. Together these reports indicate that the majority of the bacteria in the channel is originating in the upper, developed portions of the watershed (downstream of the Prima Deshecha Landfill),⁵ and that re-growth of bacteria in the lagoon is generally not a significant threat.⁶

¹ Waste Discharge Requirements for Discharges of Urban Runoff from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds of the County of Orange, the Incorporated Cities of Orange County, and the Orange County Flood Control District within the San Diego Region. National Pollutant Discharge Elimination System (NPDES) MS4 Permit No. CAS0108740.

² Based on a review of data in the 2005-06 Municipal NPDES annual report and "Water Quality Summary for Prima Deshecha Channel at Poche Beach." March 17, 2007 Memorandum from Tetra Tech, Inc., to the County of Orange.

³ See letter dated July 3, 2002, to Chris Crompton (County of Orange) and Tom Bonigut (City of San Clemente), subject "Exceedances of Water Quality Standards At Poche Beach And The Proposal For A Poche Creek Treatment Facility."

⁴ The Regional Board would consider the County's 2002 proposal for the Poche Creek Treatment Facility as an interim measure for abating pollutants in MS4 discharges if certain water quality monitoring and BMP implementation conditions were implemented.

⁵ *Prima Deshecha Cañada Watershed: Poche Beach Bacterial Source Tracking Investigation Abbreviated Report* (November 2006).

⁶ *Final Report for Poche Beach Urban Runoff Ultraviolet Light Bacteria Disinfection Project, CBI Grant No. 23, Agreement No. 01-236-550-1* (April 13, 2005)

As described in the July 2002 letter, the Regional Board expects the City of San Clemente and the County of Orange, where applicable, to implement and evaluate targeted management measures in response to these reports. Such measures may reduce the need for extensive treatment at the mouth of the creek.

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

If you have any questions or need further clarification, please contact Jeremy Haas directly at 858-467-2735 or jhaas@waterboards.ca.gov.

Respectfully,


JOHN H. ROBERTUS
Executive Officer

JHR:js;jch
File No. 18-2006021.02
CIWQS Msr: 324957
CIWQS Place ID: 650347

Enclosure: Clean Water Act Section 401 Water Quality Certification No. 06C-021

cc: [all via email only]

Forrest Vanderbilt; U.S. Army Corps of Engineers; Regulatory Branch; P.O. Box 532711; Los Angeles, CA 90053-2325;
State Water Resources Control Board; Division of Water Quality; 401 Water Quality Certification and Wetlands Unit; Attn: Bill Orme;
Tim Vendlinsky; Wetlands Regulatory Office; U.S. Environmental Protection Agency, Region 9; 75 Hawthorne Street; San Francisco, CA 94105
Laura Peters; State Water Resources Control Board; Division of Water Quality; Clean Beach Initiative Program
Jack Gregg, Water Quality Unit Supervisor; California Coastal Commission; 45 Fremont Street, Suite 2000; San Francisco, CA 94105
Tom Bonigut, City of San Clemente; 910 Calle Negocio, Suite 100, San Clemente, CA 92673
Larry McKenney, Manager; Resources and Development Management Dept.; Watershed & Coastal Resources; County of Orange; P.O. Box 4048; Santa Ana, CA 92702-4048
Donal S. Russell, General Manager; Capistrano Bay Community Services District; 35000 Beach Road; Capistrano Beach, CA 92624
Richard Gardner, South Coast Water District; 31592 West Street; Laguna Beach, CA 92652
Mike Dunbar, Executive Director, South Coast Water District; 31592 West Street; Laguna Beach, CA 92652



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Action on Request for Clean Water Act Section 401 Water Quality Certification and Waiver of Waste Discharge Requirements for Discharge of Dredged and/or Fill Materials

PROJECT: Prima Deshecha Outlet and Poche Beach Structural Best Management Practice Treatment System Project
(401 Project No. 06C-021)
(WDID no. 9 000001433) (CIWQS Reg Msr 324957)

APPLICANT: Nardy Drew, Chief of Regulatory Permits
County of Orange, Resources and Development Management
P.O. Box 4048
Santa Ana, CA 92702-4048

ACTION:

- | | |
|---|--|
| <input type="checkbox"/> Order for Low Impact Certification | <input type="checkbox"/> Order for Denial of Certification |
| <input checked="" type="checkbox"/> Order for Technically-conditioned Certification | <input checked="" type="checkbox"/> Waiver of Waste Discharge Requirements |

STANDARD CONDITIONS:

The following three standard conditions apply to all Certification actions, except as noted under Condition 3 for denials (Action 3).

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code and section 3867 of Title 23 of the California Code of Regulations (23 CCR).
2. This Certification action is not intended and must not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity of any non-denial Certification action (Actions 1 and 2) must be conditioned upon total payment of the full fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.

ADDITIONAL CONDITIONS:

In addition to the three standard conditions, the County of Orange must satisfy the following:

A. GENERAL CONDITIONS

1. The County of Orange must construct the project as proposed by the engineering plans, specifications and technical reports submitted to the California Regional Water Quality Control Board, San Diego Region (Regional Board), with the application for Clean Water Act Section 401 Water Quality Certification (Certification) and all subsequent submittals required as part of this Certification, and as generally described in Attachment 1. The conditions within this Certification supersede conflicting provisions within such plans submitted prior to the Certification action.
2. This Certification does not apply to discharges of dredged or fill material associated with maintenance dredging or excavation activities within the tidal or pond areas. Current maintenance dredging and excavation activities are conducted pursuant to a Certification from the State Water Resources Control Board (State Water Board) dated November 19, 2003.
3. Waste discharge requirements are waived for the discharge of dredged and/or fill material necessary to construct the project infrastructure. This waiver does not apply to the discharge of effluent from the treatment facility. The County of Orange must obtain an individual National Pollutant Discharge Elimination System (NPDES) Permit for the discharge of the treated effluent to waters of the U.S. from the proposed facility.
4. The County of Orange must maintain a copy of this Certification at the project site so as to be available at all times to site personnel and agencies.
5. The County of Orange must permit the Regional Board or its authorized representative at all times, upon presentation of credentials:
 - a. Entry onto project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept.
 - b. Access to copy any records required to be kept under the terms and conditions of this Certification.
 - c. Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this Certification.
 - d. Sampling of any discharge or surface water covered by this Order.
6. The County of Orange must notify the Regional Board within 24 hours of any unauthorized discharge to waters of the U.S. and/or State; measures that were



implemented to stop and contain the discharge; measures implemented to clean-up the discharge; the volume and type of materials discharged and recovered; and additional best management practice (BMPs) or other measures that will be implemented to prevent future discharges.

7. The County of Orange must, at all times, maintain appropriate types and sufficient quantities of materials onsite to contain any spill or inadvertent release of materials that may cause a condition of pollution or nuisance if the materials reach waters of the U.S. and/or State.
8. This Certification is not transferable to any person except after notice to the Executive Officer of the Regional Board. The County of Orange must notify the Regional Board of any change in ownership of the project area. Notification must include, but not be limited to, a statement that the property owner has provided the purchaser with a copy of the Certification and that the purchaser understands the permit requirements and must implement them; the seller and purchaser must sign and date the notification. Notification must be provided within five days of the sale of the property.
9. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation must be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
10. In response to a suspected violation of any condition of this Certification, the Regional Board may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional Board deems appropriate, provided that the burden, including costs, of the reports must bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
11. In response to any violation of the conditions of this Certification, the Regional Board may add to or modify the conditions of this Certification as appropriate to ensure compliance.

B. PROJECT CONSTRUCTION CONDITIONS

1. The placement of dredged or fill material below the mean tidal high water mark, in the ocean, or seaward of the existing wooden bulkhead is prohibited without an addendum issued by the Executive Officer of the Regional Board to this Certification.



2. Personnel Education: Prior to the start of the project, The County of Orange must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response, and BMP implementation and maintenance.
3. Storm Drain Identification. All storm drain inlet structures within the project boundaries must be clearly marked prior to construction activities with appropriate language prohibiting non-storm water discharges.
4. Construction Notification. The County of Orange must notify the Regional Board in writing or email at least 10 days prior to actual start date for project construction.
5. Municipal Storm Water Permit. The County of Orange must comply with the requirements of Regional Board Order No. R9-2002-01 (and as reissued), the National Pollutant Discharge Elimination System Permit for Municipal Storm Water Discharges.
6. Construction BMPs. BMPs must be planned and implemented to prevent the discharge of materials related to the construction activity into waters of the U.S./State and the municipal storm sewer system. A construction-phase Pollution Prevention Plan shall be prepared for the project, kept on site and implemented at all times. Non-stormwater discharges of construction waste and materials into waters of the U.S./State and the municipal storm sewer system are prohibited. Stormwater and non-stormwater BMPs shall specifically address, but not be limited to, the following activities.
 - a. No activity may be conducted within ponded or flowing water, other than water extraction as proposed. Surface water within the stream channel shall be diverted around each project construction area;
 - b. Adequate containment must be provided for all stockpiles of construction-related materials to prevent discharges during dry and wet weather;
 - c. No runoff from equipment and vehicle washing shall be allowed to enter the stream channel or storm sewer system; and
 - d. Debris from demolition and trench activities conducted within or adjacent to the stream channel shall be prevented from entering the channel, unless an adequate stream diversion system is in place, in which case the debris shall be removed at the end of each working day or sooner if rain is predicted.
 - e. BMPs must be inspected in place prior to commencement of daily activities.
 - f. Storage and maintenance of equipment and materials must be outside of waters of the U.S./State and the channel banks.



7. Any temporary dam or other artificial obstruction constructed shall only be built from materials that will cause little or no siltation or increase in suspended sediments in waters of the U.S./State.

C. POST CONSTRUCTION PROJECT CONDITIONS

1. Shoreline Discharge. The direct discharge of treated effluent to the shoreline, below the mean tidal high water mark, to the ocean, or seaward of the existing wooden bulkhead must comply with NPDES Permit requirements.
2. Initial Inspection. The County of Orange must inspect the facility and adjacent water body during or promptly after the first storm event forecasted to exceed 0.2 inch of precipitation in order to assess whether materials installed during project construction are negatively affecting visible water quality (e.g., turbidity, color, and debris).
3. Post-construction Storm Inspections. The County of Orange must inspect the facility and adjacent water body during or promptly after the first storm event of the rainy season (October through April) forecasted to exceed 0.2 inch of precipitation in order to assess whether materials installed during project construction are negatively affecting visible water quality (e.g., turbidity, color, and debris).
4. Downtime Inspections and Debris Removal. The County of Orange must inspect the adjacent water body during each period that the facility is shut down and the diversion berm is in place in order to determine whether the berm is causing ponding conditions (e.g, stagnant water) that threatens to cause a condition of pollution or nuisance in the downstream waters (e.g., beach pond and ocean). If the accumulated debris and organic matter covers more than 50 percent (50%) of the surface of the water extending 20 feet upstream from the berm, then the County of Orange shall remove as much of the debris and organic matter as feasible.
5. Operation and Maintenance. The County of Orange, or their designated party, must inspect and maintain the urban runoff treatment facility (including in-stream components) in order to prevent the discharge of waste or facility materials to waters of the State in a manner causing, or threatening to cause a condition of pollution, contamination, or nuisance as defined in California Water Code Section 13050.
 - a. Records must be kept regarding inspections and maintenance in order to assess the performance of the system and determine whether adaptations are necessary to protect receiving waters.



- b. The County of Orange is responsible for inspection and maintenance of the urban runoff treatment facility, including in-stream components, until such responsibility is legally transferred to another entity.
 - c. At the time maintenance responsibility for post-construction maintenance is legally transferred, the County of Orange must submit to the Regional Board a copy of such documentation.
 - d. At the time maintenance responsibility for post-construction maintenance is legally transferred, the County of Orange must provide the transferee with a copy of a long-term maintenance plan that complies with manufacturer specifications and this Certification.
6. If post-project water quality data at either the shoreline or pond/lagoon (collected pursuant to Condition D or otherwise) indicates the facility discharges or facility infrastructure (e.g., berm, sump, etc.) are significantly raising the bacteria concentrations and/or causing a violation of water quality objectives, the County of Orange shall promptly modify its operations and maintenance activities to abate such effects.

D. COMPENSATORY MITIGATION FOR LOSS OF WATERS OF THE U.S./STATE

Compensatory habitat mitigation for permanent impacts to 22 linear feet (0.005 acre) and temporary impacts to 200 linear feet (0.005) acre, will be achieved by the restoration of 200 linear feet of sand within waters of the U.S./State that is temporarily disturbed in order to construct the project.

E. REPORTING

1. All information requested in this Certification is pursuant to California Water Code (CWC) section 13267. Civil liability may be administratively imposed by the Regional Board for failure to furnish requested information pursuant to CWC section 13268.
2. All applications, reports, or information submitted to the Regional Board must be signed and certified as follows:



"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

3. The County of Orange must submit reports required under this Certification, or other information required by the Regional Board, to:

Executive Officer
California Regional Water Quality Control Board
San Diego Region
Attn: 401 Certification; Project No. 06C-021
9174 Sky Park Court, Suite 100
San Diego, California 92123

PUBLIC NOTIFICATION OF PROJECT APPLICATION:

On March 21, 2006 receipt of the project application was posted on the Regional Board web site to serve as appropriate notification to the public.



REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:

Jeremy Haas
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123
858-467-2735, jhaas@waterboards.ca.gov

WATER QUALITY CERTIFICATION:

I hereby certify that the proposed discharge from the **Prima Deshecha Outlet and Poche Beach Structural Best Management Practice Treatment System Project** (Project No. 06C-021) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated under California Regional Water Quality Control Board, San Diego Region, Waiver of Waste Discharge Requirements (Waiver Policy) No. 17. Please note that this waiver is conditional and, should new information come to our attention that indicates a water quality problem, the Regional Board may issue waste discharge requirements at that time.

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicants' project description and/or on the attached Project Information Sheet, and (b) on compliance with all applicable requirements of the Regional Water Quality Control Board's Water Quality Control Plan (Basin Plan).



JOHN H. ROBERTUS
Executive Officer
Regional Water Quality Control Board

21 May, 2007
Date

Attachments:

1. Project Information
2. Distribution List
3. Location Map
4. Site Map
5. Site Photographs



**ATTACHMENT 1
PROJECT INFORMATION**

Applicant: Nardy Drew, Chief of Regulatory Permits
County of Orange, Resources and Development Management
P.O. Box 4048
Santa Ana, CA 92702-4048
714-834-2340
nardy.drew@rdmd.ocgov.com

Applicant Representatives: n/a

Project Name: **Prima Deshecha Outlet and Poche Beach Structural Best Management Practice Treatment System Project (Project No. 06C-021)**

Project Location: The proposed project is located at the mouth of Prima Deshecha Creek at Poche Beach in the Cities of San Clemente and Dana Point (Attachment 3).
Lat 33°26'37" Long 117°38'38"

Type of Project: Urban runoff treatment facility

Project Description: The proposed project would collect, filter, and disinfect dry-weather flows in Prima Deshecha Creek at Poche Beach (Attachment 4). Treated effluent would be discharged to the existing lagoon at Poche Beach. Three to ten percent of the effluent would be discharged to the sanitary sewer as filter backwash. The facility will be sized to process a peak flow of 800 gallons per minute (1.78 cfs, 1.15 MGD).

Waste discharge requirements are waived for the discharge of dredged and/or fill material necessary to construct the project infrastructure. This waiver does not apply to the discharge of effluent from the treatment facility. The County of Orange must obtain an individual National Pollutant Discharge Elimination System (NPDES) Permit for the discharge of the treated effluent to waters of the U.S. from the proposed facility.

The project purpose is to reduce concentrations of fecal indicator bacteria at the beach. The County of Orange is concerned that regrowth of bacteria may occur within the lagoon to an extent that would threaten the REC-1 objective at the shoreline. This threat may be lessened by a concurrent proposal by the County of Orange to routinely excavate sand material that forms a berm across the lagoon mouth. Elimination of the berm may decrease residence time and regrowth in the lagoon. The State Water Board is currently processing that application for 401 Certification.



If fecal indicator bacteria levels at the Poche Beach shoreline continue to exceed REC-1 water quality objectives because of bacteria regrowth within the lagoon, then the County of Orange intends to request an addendum, if necessary, to discharge treated effluent to the shoreline at the mean high tide line (Attachment 5, Figure 1).

Current data indicates that treated effluent may contain metal concentrations substantially higher than the six-month median numeric criteria in the Ocean Plan. This Certification does not include water quality monitoring requirements. An individual NPDES permit is expected to establish water quality monitoring requirements.

The treatment facility will be located on a newly constructed concrete pad on uplands within the railroad right-of-way adjacent to the creek. The project will install an inflatable rubber dam within the creek, between Coast Highway (a.k.a. El Camino Real) and the railroad bridge, to direct water from the channel into a newly-constructed wet well (see Attachment 4). The dam will also prevent sea water from entering the treatment system. The dam will be deflated when rain is anticipated.

A wet well will be constructed adjacent to the existing concrete channel wall. Two submersible pumps will be located within the wet well. Water will be pumped from the wet well to media filtration tanks located on the concrete pad. Filtered water will then pass through ultraviolet disinfection and discharged through the effluent pipe.

Maintenance is expected to be intensive and cost approximately \$250,000 per year. Bi-weekly maintenance will consist of removing algae and trash from screens within the channel and wet well.

The project has received funding from the State Water Resources Control Board Clean Beach Initiative program (agreement no. 06-130-550)

Federal Agency/Permit: U.S. Army Corps of Engineers §404 NWP 7 for outfall structures, NWP 33 for Temporary Construction, Access, and Dewatering, and NWP 18 for Minor Discharges. The permit will expire two years from issuance.

Other Required Regulatory Approvals: California Coastal Commission coastal development permit is expected to be considered at the Commission's June 2006 meeting.



California Environmental Quality Act (CEQA) Compliance: The County of Orange issued a Mitigated Negative Declaration for the proposed project on December 17, 2002. SCH No. 2002091129

Receiving Water: Prima Deshecha Channel and Pacific Ocean (HSA 901.30)

Impacted Waters of the United States: Temporary:
Streambed: 200 linear feet (0.005 acre)
Permanent:
Streambed: 22 linear feet (0.005 acre)

Dredge Volume: Up to 20 cubic yards

Related Projects Implemented/to be Implemented by the Applicant(s):

1. The County of Orange currently conducts excavation and dredging activities at the mouth of the creek to lower water levels in the lagoon and protect adjacent property. A 401 Certification was issued by the State Water Board for that activity. (Regional Board file no. 02C-077)
2. The County of Orange has applied to the State Water Board to renew the berm dredging and excavation activities. That application is pending.
3. The Regional Board issued a 401 Certification (no. 02C-124) on February 11, 2003 for a previous version of the ultraviolet disinfection project proposal.

Compensatory Mitigation: Streambed: restoration of temporary impacts

Best Management Practices (BMPs): The County will implement a construction storm water management plan in accordance with its local ordinances. Water will be diverted around active construction areas. No stockpiles will be located on-site.

Public Notice: On March 21, 2006 receipt of the project application was posted on the Regional Board web site to serve as appropriate notification to the public.

Inspection: Site inspections were conducted on April 27, 2007

Fees: Total Due: \$1,600
Total Paid: \$1,600 (Check Nos.01-8069328 and 007275)



**ATTACHMENT 2
DISTRIBUTION LIST**

Forrest Vanderbilt [email only]
U.S. Army Corps of Engineers
Regulatory Branch
P.O. Box 532711
Los Angeles, CA 90053-2325

State Water Resources Control Board [email only]
Division of Water Quality
401 Water Quality Certification and Wetlands Unit
Attn: Bill Orme
P.O. Box 100
Sacramento, CA 95812-0100

Tim Vendlinsky [email only]
Wetlands Regulatory Office
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Laura Peters [email only]
State Water Resources Control Board
Division of Water Quality
Clean Beach Initiative Program

Donal S. Russell, General Manager [email only]
Capistrano Bay Community Services District
35000 Beach Road
Capistrano Beach, CA 92624

Richard Gardner, Director, [email only]
South Coast Water District; 31592 West Street; Laguna Beach, CA 92652

Mike Dunbar, Executive Director, [email only]
South Coast Water District; 31592 West Street; Laguna Beach, CA 92652

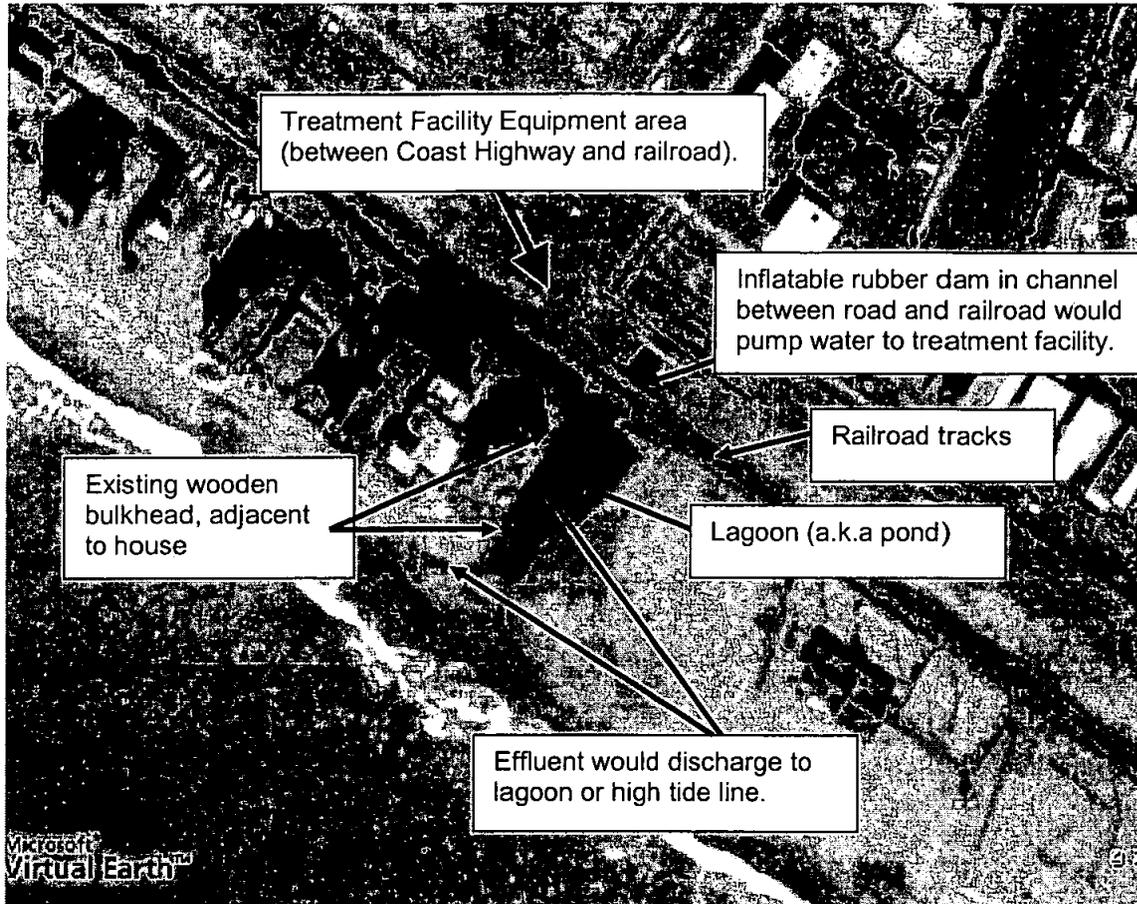


ATTACHMENT 3 PROJECT LOCATION

The proposed project is located (arrow) in the County of Orange at the border of the Cities of San Clemente and Dana Point near the intersection of Camino Capistrano and Pacific Coast Highway. The location is where Prima Deshecha Channel reaches Poche Beach.



ATTACHMENT 4 SITE MAP



ATTACHMENT 5 SITE PHOTOGRAPHS

Figure 1. Looking upcoast at the Poche Beach lagoon and the approximate location of where a proposed future effluent pipe would discharge to the high tide line.

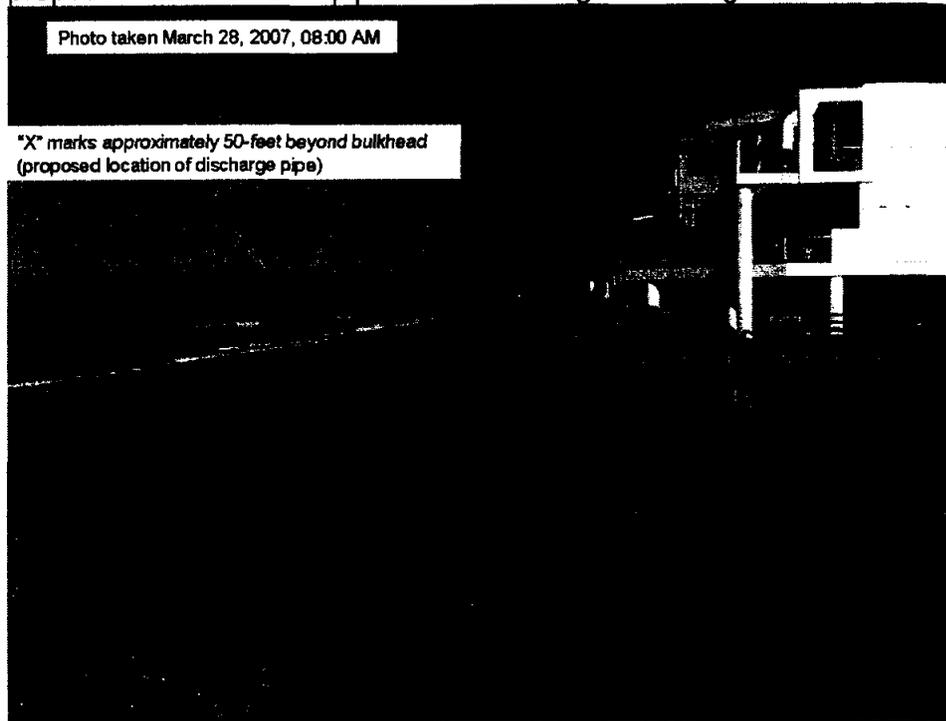


Figure 2. Looking downstream at Poche Beach. The facility will be located in the dirt area adjacent to the railroad tracks. The initial effluent discharge would be to the rear or middle of the lagoon.

